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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/544,357	04/06/2000	Donald A Shockey	SRI1P028	8056

7590 05/13/2003

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EXAMINER

JOHNSON, STEPHEN

ART UNIT	PAPER NUMBER
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3641

DATE MAILED: 05/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/544,357

Applicant(s)

SHOCKEY ET AL.

Examiner

Stephen M. Johnson

Art Unit

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ES

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-8, 10, 17-19, 22-24, 38-41, 53-56, 58, 61, 70-72, 74, 77, 81 and 82 is/are pending in the application.
- 4a) Of the above claim(s) 7, 23 and 82 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-19, 22, 24, 53-56, 58 and 61 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 6, 8, 38-40, 70-72, 74 and 81 is/are rejected.
- 7) ☒ Claim(s) 3, 41 and 77 is/are objected to.
- 8) ☒ Claim(s) See Continuation Sheet are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other:

Continuation of Disposition of Claims: Claims subject to restriction and/or election requirement are 1-4,6-8,10,17-19,22-24,38-41,53-56,58,61,70-72,77,81 and 82.

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1. Claims 7, 23, and 82 are withdrawn from consideration as being directed to non-elected species A

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 4, 6, 8, 10, 38-40, 70-72, 74, and 81 are rejected under 35 U.S.C. 103(a) as being unpatentable over White et al. in view of James or Crippen.

White et al. disclose a ballistic barrier in combination with an aircraft comprising :

- |   |                     |
|---|---------------------|
| a) an outer shell,  | 12                  |
| b) at least one layer of fabric,                            | 11                  |
| c) the at least one layer of fabric liner of thermoplastic, | col. 9, lines 40-59 |
| d) an inner panel, and                                      | 20                  |
| e) a second fabric layer.                                   | 38                  |

White et al. apply as recited above. However, undisclosed is a thermoplastic fabric liner that is an aramid thermoplastic. James and Crippen each teach a thermoplastic fabric liner that is an aramid thermoplastic (James col. 6, lines 56-65; and Crippen col. 2, lines 16-20). Applicant is substituting one material for a thermoplastic fabric liner for another in an analogous art setting as explicitly motivated by the primary reference White et al. (col. 9, lines 40-59). It would have been obvious to a person of ordinary skill in this art at the time of the invention to apply the teachings of James or Crippen to the White et al. ballistic barrier and have a liner of the ballistic barrier composed of a different thermoplastic fabric material.

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4. Applicant's arguments with respect to claims 1-2, 4, 6, 8, 10, 38-40, 70-72, 74, and 81 have been considered but are moot in view of the new ground(s) of rejection.

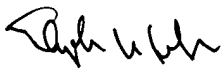
5. Claims 3, 41, and 77 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 17-19, 22, 24, 53-56, 58, and 61 are allowed.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Johnson whose telephone number is 703-306-4158. The examiner can normally be reached on Tuesday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 703-306-4198. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3597 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-4177.



**STEPHEN M. JOHNSON**  
PRIMARY EXAMINER

Stephen M. Johnson  
Primary Examiner  
Art Unit 3641

SMJ  
May 8, 2003